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June 5, 1998

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KANT BUT DAYUTHI

Ms. Magalie Roman Salas Secretary Federal Communications Commission Washington, D.C. 20554

Amendment of Section 73.202(b)

FM Table of Allotments

(Lufkin, Texas)

Dear Ms. Salas:

VINCENT A PEPPER

PETER GUTMANN

JOHN F. GARZIGLIA

ELLEN S. MANDELL

SUZANNE C. SPINK *

MICHAEL H. SHACTER PATRICIA M. CHUH LEE G. PETRO * * NOT ADMITTED IN D.C.

HOWARD J. BARR MICHAEL J. LEHMKUHL *

ROBERT F. CORAZZINI

Transmitted herewith on behalf of Russell L. Lindley is an original and four copies of his Petition for Rule Making seeking the commencement of a rule making proceeding to amend the FM Table of Allotments to allot Channel 261A at Lufkin, Texas as its fourth local transmission service, pursuant to Section 1.401 of the Commission's Rules.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,

Howard J. Patricia M. Chuh

Lee G. Petro

Enclosure

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OFFICE OF THE SECTIONS

FEDERAL LOWWISHOUS COMMISSION Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In the Matter of)
2)
Amendment of Section 73.202(b)) MM Docket No
Table of Allotments) RM No
FM Broadcast Stations)
(Lufkin, Texas))

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Russell L. Lindley, by his attorneys, pursuant to Section 1.401 of the Commission's Rules, hereby seeks the commencement of a rule making proceeding to amend the Table of Allotments for FM Broadcast Stations, 47 C.F.R. §73.202(b), to allot Channel 261A at Lufkin, Texas, as its fourth (or fifth) local transmission service. 1/ As shown in the attached Technical Statement, Channel 261A may be allotted to Lufkin, Texas in full compliance with the Commission's separation requirements.2/ In support whereof, the following is submitted:

Russell L. Lindley requests that the FM Table of Allotments be amended as follows:

 $^{^{1/}}$ On this same day, Russell L. Lindley also filed a petition for rule making seeking to amend the Table of Allotments for FM Broadcast Stations, 47 C.F.R. §73.202(b), to allot Channel 230A at Lufkin, Texas. Upon the Commission's release of a notice of proposed rule making and the allotment of Channel 261A and Channel 230A at Lufkin, Texas, Russell L. Lindley intends to apply for both channels. At that time, Russell L. Lindley intends to demonstrate compliance with the Commission's ownership rules, if necessary.

Channel 261A may be allotted at reference coordinates 31° 19′ 20" North Latitude and 94° 43′ 44" West Longitude, which is 2.74 kilometers on bearing 187.8 T from the official Lufkin coordinates.

Community	Present Channel	Proposed Channel
Lufkin, Texas	257C2; 286C	257C2; 286C; $261A^{3/}$

- 2. Lufkin, Texas is a community for allotment purposes.

 See Revision of FM Assignment Policies and Procedures, 90 FCC 2d

 88, 100 (1982) (It is sufficient if the proposed community is either incorporated or listed in the U.S. Census). Lufkin is an incorporated community with its own elected government and a population of 30,206 persons (1990 U.S. Census).
- 3. Russell L. Lindley hereby certifies that he has a present intention to apply for the new channel when allotted, and when authorized, to build the facilities and commence operation promptly.

WHEREFORE, for the foregoing reasons, it is respectfully requested that the Commission commence a rule making proceeding to allot Channel 261A to Lufkin, Texas.

Respectfully submitted,

RUSSELL L. LINDLEY

By Howard J. Barr

Patricia M. Chuh Lee G. Petro

His Attorneys

PEPPER & CORAZZINI, L.L.P. 1176 K Street, N.W., Suite 200 Washington, DC 20006 (202) 296-0600

June 5, 1998

See supra note 1.

TECHNICAL STATEMENT IN SUPPORT OF PROPOSED RULE MAKING TO AMEND \$73.202(b), FM TABLE OF ALLOTMENTS

on behalf of

RUSSELL L. LINDLEY

NEW (FM) CHANNEL 261A (100.1 MHz)

LUFKIN, TEXAS

MAY, 1998

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WILLOUGHBY & VOSS

P.O. BOX 701190 SAN ANTONIO, TEXAS 78270-1190 (210) 525-1111

TECHNICAL STATEMENT IN SUPPORT OF PROPOSED RULE MAKING RUSSELL L. LINDLEY CHANNEL 261A, LUFKIN, TEXAS MAY, 1998

The firm of Willoughby & Voss has been retained by Russell L. Lindley, to prepare the instant technical statement in support of a petition for rule making to amend the FM Table of Allotments by adding Channel 261A at Lufkin, Texas.

Lufkin is an incorporated community that is the county seat of Angelina County. It has an elected government. The population within the proposed 60 dBu contour is 74,488. The Lufkin Independent School District provides public education (K through 12 grade). Lufkin has a unique and distiguishable identity. Adoption of this proposal will provide Lufkin with "fourth local service".

An allocation study of Channel 261A was performed, using the allotment reference coordinates, 31-19-20 N.L., 94-43-44 W.L. and is found to meet all Class A distance separation requirements of Section 73.207 of the Commission's Rules. The allotment reference site is located 2.74 kilometer on bearing 187.8°T from the official Lufkin coordinates. This site restriction is necessary to meet all spacing requirements. Exhibit A is a tabulation of the allocation study. This proposed facility will serve all of the community of Lufkin with the required 3.16 mV/m contour.

In light of the above facts, and the desire of the Commission for efficient spectrum usage, it is requested that the Table of Allotments contained in Section §73.202(b) of the Commission's Rules be amended to read as follows:

Community

Present

Proposed

Lufkin, TX

257C2. 286C

257C2, 286C & 261A

Upon allotment of the above requested changes, formal application for the respective facility will be filed with the FCC, by the proponent.

The foregoing was prepared on behalf of Russell L. Lindley, by, or under the immediate supervision of Lyndon H. Willoughby, of Willoughby & Voss, San Antonio, Texas. The affiant's qualifications are contained in previous filings and are a matter of record with the Federal Communications Commission.

The statements and data contained herein are true and correct of his own knowledge, except as to statements made on information and belief and as to those statements, he believes them to be true and correct.

Lyndon H. Willoughby, Affiant

May 25, 1998

LUFKIN. TEXAS CHANNEL 261A SPACING STUDY

FM Channel Study for Channel 261A6 at 31-19-20 94-43-44 Safe Distance of 25.0 Kilometers New (6 kW) Class A spacings employed

**************************************	C e	ity	;	State	Lat Long	Distance Bearing	Clear
	======		=======	======	=======	=======	======
258A KBMA Mexican-American	CP MOD Communi	Bryan cations	3.00 ki	TX W 100M	30-39- 96-20-5	2 171.75 7 244.72	31.0 140.75
258C1	USED	Lake Charles	0.00 kl	, LA W OM	30-14-4 93-20-5	1 178.18 2 131.75	75.0 103.18
258A	USED	Bryan	0.00 kl	, TX W OM	30-38-3 96-19-5	4 170.58 2 244.21	31.0 139.58
259C2	USED	Shreveport	0.00 k	, LA W OM	32-32-3 93-48-	0 161.16 6 32.72	55.0 106.16
259C2 KMJJFM SunGroup Broadcas	LIC ting of	Shreveport Louisiana, Inc.	50.00 kl	, LA W 141M	32-36-2 93-46-2	7 168.73 4 32.12	55.0 113.73
259C3 KCEY Helen Maryse Case	У			TX W 177M	30-42-1 95-28-3	3 98.93 2 226.30	42.0 56.93
259C3 KCEY Helen Maryse Case	CP MOD y	Huntsville	9.10 kV	, TX W 163M	30-46-1 95-23-5	7 88.43 6 226.50	42.0 46.43
259C3	USED	Huntsville	0.00 kV	w TX	30-45-3 95-25-4	7 91.36 4 227.19	42.0 49.36
260C2 KSHN Trinity River Val	LIC ley Broa	Liberty adcasting Compan	26.00 kV	, TX W 207M	30- 3- 94-31-3	5 142.21 7 172.13	106.0 36.21
260C WACOFM Gulfstar Communic	LIC ations N	Waco Waco Licensee, I	90.00 kV	, TX W 506M	31-20-1 97-18-3	5 245.69 7 271.06	165.0 80.69
260C2	USED	Liberty	0.00 kV	MO M	94-37-3	8 132.84 6 175.75	26.84
260A	VACANT	Mineola	0.00 kV	, TX M OM	32-45- 95-33-1	4 17 6.61 8 334.00	72.0 104.61
260A	USED	Mount Enterprise	0.00 kV	, TX W OM	31 - 55- 94 - 40-5	6 66.25 4 3.87	72.0 -5.75
260A KGRI Oara, Inc.	СР	Mount Enterprise	4.60 kV	, TX W 113M	31-59-2 94-43-3	6 74.10 9 0.10	72.0 2.10

LUFKIN, TEXAS CHANNEL 261A SPACING STUDY

FM Channel Study for Channel 261A6 at 31-19-20 94-43-44 Safe Distance of 25.0 Kilometers New (6 kW) Class A spacings employed

*************** STANDARD DISCLAIMER APPLIES *************							
Channel Call Applicant/License	C e	ity 	S =========	tate =====	Lat Da Long Be	istance earing	Reqrd Clear
260C	USED	Waco	0.00 kW	, TX OM	31-30-51 97-11-43	235.48 275.82	165.0 70.48
260C3 KDVE Dean Broadcasting		Henderson	7.10 kW	, TX 132M	32- 7-36 94-47-57	89.44 355.75	89.0 0.44
261C2	USED	Atlanta	0.00 kW	, TX OM	33- 7-47 94- 6-15	208.90 16.21	166.0 42.90
261C2 KRVV Holladay Broadcas	CP ting of	Bastrop Louisiana, Inc.	6.90 kW	, LA 137M	32-39-36 92- 5-15	290.37 58.59	0.0
261C2 KPYN Ark-La-Tex Broadc	LIC asting (Atlanta Company	50.00 kW	, TX 150M	33-15-18 94- 5-16	222.67 15.57	166.0 56.67
261C2	USED	Bastrop	0.00 kW	, LA OM	32-41-28 91-56-55	303.40 59.25	166.0 137.40
261C2 KRVV Holladay Broadcas	LIC ting of	Bastrop Louisiana, Inc.	50.00 kW	, LA 150M	32-40-20 91-55- 6	304.87 59.86	166.0 138.87
262C KRBV Infinity Broadcas	LIC ting Co	Dallas rporation of Ft.	53.00 kW	, TX 326M	32-35-17 96-58-34	254.63 304.04	0.0
262A	VACANT	Tatum	0.00 kW	, TX OM	32-13-35 94-33-11	101.63 9.39	72.0 29.63
262C KRBV Infinity Broadcas	LIC ting Co	Dallas rporation of Ft.	100.00 kW	, TX 439M	32-35- 5 96-57-46	253.38 304.12	165.0 88.38
262A KDVE Dean Broadcasting	APP , Inc.		3.30 kW	TX 136M	32-22- 6 94-30-43	117.80 9.98	72.0 45.80
262C	USED	Houston	0.00 kW	, TX OM	29-34-34 95-30-36	207.60 201.38	165.0 42.60
262C	USED	Alexandria	0.00 kW	, LA OM	31- 1-59 92-30- 8	214.67 98.01	165.0 49.67
262C KRRVFM KDBS, Inc.	LIC	Alexandria	97.00 kW	, LA 321M	31- 1-59 92-30- 8	214.67 98.01	165.0 49.67

LUFKIN, TEXAS CHANNEL 261A SPACING STUDY

FM Channel Study for Channel 261A6 at 31-19-20 94-43-44 Safe Distance of 25.0 Kilometers New (6 kW) Class A spacings employed

			31-16-25 219.07 0.0 92-25-43 90.81		
262C USED	Dallas	0.00 kW OM	32-35- 7 253.85 165.0 96-58- 6 304.07 88.85		
262C KILTFM LIC Group W Broadcasting, I	Houston P.	, TX 95.00 kW 585M	29-34-34 207.60 165.0 95-30-36 201.38 42.60		
263C3 KMVLFM LIC Hunt Broadcasting	Madisonville	, TX 13.00 kW 137M	31- 6-40 118.92 42.0 95-57- 9 258.96 76.92		
263A KDETFM ADD Robert W. Shivery	Center	0.00 kW , TX	31-42-13 73.08 31.0 94- 6- 5 54.48 42.08		
263C3 USED	Madisonville	0.00 kW , TX	31- 7-13 118.72 42.0 95-57- 9 259.45 76.72		
264C2 KPXI ADD Bowie-Nocona Broadcast	Overton ng Co., Inc., et	0.00 kW 0M	32-27- 9 129.49 55.0 95- 4-23 345.53 74.49		
264C USED			29-49-12 169.80 95.0 94-23- 0 168.65 74.80		
264C3 KZBL CP Bundrick Communications	Natchitoches , Inc.	25.00 kW , LA	31-48-17 170.46 42.0 93- 1-27 71.27 128.46		
264C3 USED	Natchitoches	0.00 kW OM	31-50-56 169.42 42.0 93- 3-12 69.40 127.42		
264C KOVEFM LIC Tichenor License Corpor	Winnie ation	, TX 100.00 kW 595M	30- 3- 5 142.21 95.0 94-31-37 172.13 47.21		